

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

ESTHER (KIM) CHRIS,

Plaintiff,

v.

SARAH CARPENTER et al.,

Defendants.

No. 3:21-cv-00924-SB

OPINION AND ORDER

MOSMAN, J.,

On January 11, 2023, Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (“F&R”) [ECF 77] in this matter. The F&R recommended granting in part and denying in part Defendants’ Partial Motion to Dismiss [ECF 67]. Plaintiff filed objections [ECF 79], to which Defendants responded [ECF 80].

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on

whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

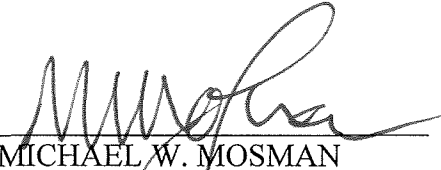
CONCLUSION

Upon review, I agree with Judge Beckerman's recommendation, and I ADOPT the F&R [ECF 77] as my own opinion. I GRANT IN PART and DENY IN PART Defendants' Partial Motion to Dismiss [ECF 67]. I GRANT the motion as to Plaintiff's Title VII and ORS § 659A.030(1)(a) Discrimination and Retaliation claims against Defendants Carpenter, Kang, and Spotts (the "Individual Defendants") and DISMISS these claims with prejudice. I GRANT the motion as to Plaintiff's ORS § 659A.030(1)(a) Discrimination claim against Defendant Village Church (the "Church") and ORS § 659A.030(1)(g) Aiding and Abetting Discrimination claim against the Individual Defendants and DISMISS these claims with prejudice.

I DENY the motion as to Plaintiff's Title VII Retaliation claim against Defendant Church and as to Plaintiff's Breach of Contract claim against Defendant Church. These claims remain live. Plaintiff's Title VII Discrimination claim against Defendant Church; ORS § 659A.030(1)(a) Retaliation claim against Defendant Church; ORS § 659A.030(1)(g) Aiding and Abetting Retaliation claim against the Individual Defendants; Failure to Pay Oregon Minimum Wage claim against Defendant Church; and Failure to Pay Federal Minimum Wage claim against Defendant Church were not challenged by the motion to dismiss. These claims also remain live.

IT IS SO ORDERED.

DATED this 15th day of March, 2023.


MICHAEL W. MOSMAN
Senior United States District Judge